

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ MAY 27 2010 ★

BROOKLYN OFFICE

KIJABA FALTINE,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE OFFICER
STEPHEN CANTONE (Shield # 21571), SERGEANT
ZOILO ENCARNACION (Shield # 1101), POLICE
OFFICER SAMUEL HERRERA (Shield # 847) and
POLICE OFFICERS JOHN DOE 1-4,

Defendants.

**STIPULATION AND ORDER
OF SETTLEMENT AND
DISMISSAL**

09 CV 3294 (JBW)(ALC)

close the case
JW 5/24/10

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WHEREAS, plaintiff Kijafa Faltine commenced this action on or about July 30, 2009, by filing a complaint alleging, *inter alia*, violations of his state law rights and civil rights pursuant to 42 USC § 1983; and

WHEREAS, defendants have denied any and all liability arising out of plaintiff's allegations; and

WHEREAS, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability; and

WHEREAS, plaintiff has authorized his counsel to settle this matter on the terms set forth below;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

[Signature]

2. Defendant City of New York hereby agrees to pay to **Kijafa Faltine** the sum of **Fifty Thousand Dollars (\$50,000.00)**, to be paid in full satisfaction of all claims, whether arising under federal or state law, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to the dismissal of all claims against all defendants including the City of New York, Stephen Cantone, Zoilo Encarnacion, and Samuel Herrera, and to release all defendants and all present and former employees or agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action which were or could have been alleged in this action, including claims for costs, expenses and attorney's fees.

3. Plaintiff shall execute and deliver to defendant's attorney all documents necessary to effect this settlement, including, without limitation a General Release based on the terms of paragraph "2" above and an Affidavit of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation and settlement shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.


5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof including the New York City Police Department.

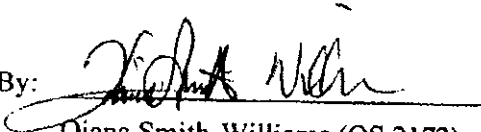
6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

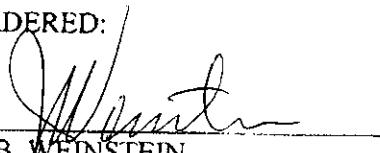
Dated: New York, New York
May 17, 2010

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By: 
Wale Mosaku, Esq.

By: 
Qiana Smith-Williams (QS 2172)
Assistant Corporation Counsel

SO ORDERED:

JACK B. WEINSTEIN
UNITED STATES DISTRICT JUDGE

5/24/10